
SENATE BILL 5452

State of Washington

60th Legislature

2007 Regular Session

By Senator Rockefeller

Read first time 01/19/2007. Referred to Committee on Human Services & Corrections.

1 AN ACT Relating to providing for reunification after termination of
2 parental rights; amending RCW 13.34.200; adding a new section to
3 chapter 13.34 RCW; and creating new sections.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** The legislature finds that current law does
6 not explicitly provide for reunification of a child with his or her
7 parent or parents after termination of parental rights even in cases
8 where a child is not expected to get the benefits of being adopted into
9 a new family or of having a permanent adult guardian. A child can
10 remain in this status even if there has been a significant change of
11 circumstances in a parent's situation and the minor child's preference
12 is to reunite with his or her parent. There may be cases in which a
13 child will no longer be at risk of abuse or neglect by a former parent
14 and it is in the best interests of a child who is legally free to be
15 reunited with his or her parent.

16 NEW SECTION. **Sec. 2.** A new section is added to chapter 13.34 RCW
17 to read as follows:

18 (1) If a child has not been adopted at least three years from the

1 date of entry of an order for the termination of parental rights, the
2 child may petition the juvenile court to reinstate a former parent's
3 parental rights.

4 (2) A child seeking to petition under this section shall be
5 provided counsel.

6 (3) The child may file the petition prior to the expiration of this
7 three-year period if the department or child-placing agency that is
8 responsible for the custody or supervision of the child and the child
9 stipulate that the child is not likely to be adopted.

10 (4) The petition must be signed by the child in the absence of a
11 showing of good cause as to why the child could not do so.

12 (5) If it appears that the best interests of the child may be
13 promoted by reinstatement of parental rights, including but not limited
14 to the parent's apparent fitness and interest in reinstatement of
15 parental rights, the juvenile court shall order that a hearing be held.
16 The court shall give prior notice, or cause prior notice to be given,
17 to the department, the child's attorney, the child, and the child's
18 tribe, if applicable. The court shall also order the department to
19 give prior notice of the hearing to the child's former parent or
20 parents whose parental rights were terminated and to any parent of the
21 child whose parental rights were not terminated.

22 (6) The juvenile court shall grant the petition if it finds by
23 clear and convincing evidence that the child is no longer likely to be
24 adopted and that reinstatement of parental rights is in the child's
25 best interest, including a finding that the reinstatement of parental
26 rights will not present a risk to the child's health, welfare, or
27 safety.

28 (7) If the juvenile court grants the petition, the court may
29 dismiss the dependency if the child and the parent or parents who were
30 the subject of a petition under this section and whose parental rights
31 were reinstated agree that the child will return to the physical
32 custody of the parent or parents and the court finds that returning to
33 the physical custody of the parent or parents is in the best interests
34 of the child and will not present a risk to the child's health, welfare
35 or safety.

36 NEW SECTION. **Sec. 3.** This act is retroactive and applies to any

1 child who is under the jurisdiction of the juvenile court at the time
2 of the hearing regardless of the date parental rights were terminated.

3 **Sec. 4.** RCW 13.34.200 and 2003 c 227 s 7 are each amended to read
4 as follows:

5 (1) Upon the termination of parental rights pursuant to RCW
6 13.34.180, all rights, powers, privileges, immunities, duties, and
7 obligations, including any rights to custody, control, visitation, or
8 support existing between the child and parent shall be severed and
9 terminated and the parent shall have no standing to appear at any
10 further legal proceedings concerning the child, except as provided in
11 section 2 of this act: PROVIDED, That any support obligation existing
12 prior to the effective date of the order terminating parental rights
13 shall not be severed or terminated. The rights of one parent may be
14 terminated without affecting the rights of the other parent and the
15 order shall so state.

16 (2) An order terminating the parent and child relationship shall
17 not disentitle a child to any benefit due the child from any third
18 person, agency, state, or the United States, nor shall any action under
19 this chapter be deemed to affect any rights and benefits that an Indian
20 child derives from the child's descent from a member of a federally
21 recognized Indian tribe.

22 (3) An order terminating the parent-child relationship shall
23 include a statement addressing the status of the child's sibling
24 relationships and the nature and extent of sibling placement, contact,
25 or visits.

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